IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 19882 of 2006(P)

PETITIONER:

P.E.SAMUEL,
S/O.EAPEN VARGHEESE,
KUNNAKKADAN HOUSE, KARADIPPARA.P.O,
AMBALAVAYAL, WAYANAD-673 593.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS:
----

1. THE STATE OF KERALA,
REP. BY THE CHIEF SECRETARY,
STATE OF KERALA,
THIRUVANANTHAPURAM.

2. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM, REP. BY ITS CHAIRMAN.

3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
WAYANAD DISTRICT, KALPETTA.

***4. K.P. ALICE,**
KULAPURATH VEEDU,
VAZHIVATTA POST,
WAYANAD- 683 122.

***ADDL. R4 IS IMPLEADED AS PER ORDER IN IA NO. 16148/2006.**

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.MATHEW KURIAKOSE
SRI.U.BALAGANGADHARAN FOR ADDL. RESPONDENT
GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 19882/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RANK LIST PUBLISHED ON 16/4/04.

EXT.P2. COPY OF THE REPRESENTATION DT. 21/6/06 BY THE PETITIONER BEFORE THE R3.

EXT.P3. COPY OF THE REPLY DT. 4/7/06 BY THE R3 TO THE PETITIONER.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE GOVT. ORDER VIDE NO. GO RT NO. 609/2006/LAW DT. 21/6/2006.

EXT.R4B. COPY OF THE AMENDMENT IN THE LAST GRADE SERVICE RULES.

EXT.R4C. COPY OF THE RELEVANT PORTION OF UNAMENDED PORTION OF LAST GRADE SERVICE RULES.

True copy

tga

K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 19882 of 2006 -P

JUDGMENT

The petitioner has approached this Court, feeling aggrieved by the omission of the P.S.C to advice him for the post of Last Grade Servant, though a lady candidate, who is junior to him in rank, has already been advised.

2. The P.S.C would submit that the lady candidate was advised for the post of Peon, for which cycling was an obligatory qualification. The petitioner did not have the said qualification. Since ladies were exempted from the said qualification, she was deemed to be qualified and therefore, advised for the post. It is further submitted that the petitioner has since been advised for appointment in another department and he has accepted that appointment also. In view of the above submission, the writ petition is closed.

K. BALAKRISHNAN NAIR,
JUDGE.

25th July, 2007.
nm.